

BMC

S 2507

March 22, 1982

## CONGRESSIONAL RECORD — SENATE

can put a company out of business. As Dr. Weidenbaum has observed, the costs to society of excessive and unnecessary government regulation are the factories and plants not built, the goods and services not available for consumption, and the jobs and incomes not generated. Ultimately, it is the consumer who is harmed by excessive and unnecessary government regulation.

For these reasons, I have been an original cosponsor of S. 1080 and I am in strong support of the compromise bill which is the focus of this floor debate. This legislation, however, is not a regulatory panacea; it is simply a first step toward restoring some greater reasonableness to our regulatory system. This legislation would require a review of new and existing regulations to insure that the benefits of the regulation are not outweighed by its costs and to insure that regulations have not outlived their usefulness. I urge my colleagues not to adopt amendments which would weaken this legislation which is of vital importance to the country.

Mr. President, I would briefly also like to express my support for two amendments which I understand will be offered to S. 1080. I have been a cosponsor of Senator SCHMITT's and Senator GRASSLEY's legislative veto legislation for many of the same reasons that I support the Regulatory Reform Act—namely, the reduction of costly and excessive regulation.

Congress has found it necessary to delegate the task of lawmaking to administrative agencies through statutes which give such agencies rulemaking authority. The legislative veto would permit an opportunity for Congress to more actively participate in the rule-making process which it has established and authorized. The legislative veto would simply insure that the elected representatives of the people can examine costly new rules and regulations and determine whether or not they are warranted. In my opinion, it is an appropriate exercise of the power the Constitution gives to the Congress to enact legislation. I urge my colleagues to support this amendment.

Mr. President, I am also a cosponsor of Senator DeCONCINI's and Senator SIMPSON's venue legislation which would require that suits of a purely local or regional nature be filed in the Federal district court in the State or region which is most greatly affected, rather than, as at present in the Federal court in the District of Columbia.

Environmental groups admittedly file suit in the District of Columbia because their causes will receive more attention and because judges in the District of Columbia circuit have traditionally been more sympathetic to their claims than judges familiar with the region, and its unique problems. Cases tried in the District of Columbia are far from the people who will be vitally affected by the outcome of the litigation. The current situation has

contributed to the perception of the people of Utah, and the people of many other States, that the Federal Government and the Federal courts are often their adversaries, not allies.

I urge my colleagues to support this amendment which would prevent this "forum shopping" from continuing. I applaud my colleague from Arizona and my colleague from Wyoming, Senator SIMPSON, for their efforts on behalf of this important legislation.

#### S. 2254—TEMPORARY EXTENSION OF FLEXTIME SCHEDULE EXPERIMENTS

Mr. STEVENS. Mr. President, I have a bill at the desk. I ask unanimous consent for its immediate consideration.

The PRESIDING OFFICER. Is there objection?

Mr. LEAHY. Mr. President, reserving the right to object, and I do not expect to object. I will not object if I can be told that there will be no amendments on the bill and that the bill will be simply as it appears at the desk.

Mr. STEVENS. I yield to the Senator from Colorado.

Mr. ARMSTRONG. Mr. President, as I understand the proposal which the Senator from Alaska has sent to the desk, it relates to the flexitime issue which we discussed here on the floor a few days ago.

Basically, the proposed bill which he has laid before the Senate, or which he has asked to be laid before the Senate, will extend for a period of 4 months the current flexitime experiment.

Mr. President, I have a couple of observations I wish to make. First of all, I am very much for flexitime. I want to congratulate the Senator from Alaska for finding a way out of the dilemma in which we found ourselves when last this issue was before the Senate, because it has been like the "Perils of Pauline." There are those who really are not so sold on flexitime and who do not appreciate how necessary and desirable it is for Federal employees. The Senator from Alaska really deserves not only the compliments of Senators but a great deal of credit for finding a formula by which the flexitime can continue for a 4-month period while we work out a permanent solution to this matter.

I represent a large number of Federal employees in Colorado who are interested in flexitime and so my first observation is to thank him and congratulate him for finding this way to resolve the problem.

The second issue is the question of whether or not this bill is a suitable vehicle for amendment. It was my intention, as the Senator full well knows, to offer an amendment which would simply expand the flexitime concept to permit those workers in the private sector who do not presently have the opportunity to either work

on a flexitime schedule or to negotiate through their collective bargaining agent for the right to work on a 4-day, 10-hour-per-day schedule, or in some other way adopt the flexitime concept, to permit them to do so. It just seems to me if it is good for Federal workers—which I believe it to be, in some cases—then that same option should be available within the private sector.

However, there are those who would find this a very controversial subject of amendment. So the proposal of the Senator from Alaska is to take sort of a cooling off period for the next 4 months to continue the flexitime experiment, leaving the existing flexitime agreements in place, giving us time to work out the details to permit Federal employees flexitime and also preserving the right of Senators who may have amendments to offer, including the one which I have just described, an opportunity to do so at a later time.

So it is my understanding that if the bill is approved, as I hope and expect it will be, that I am expected not to offer any amendments. I will be happy to withhold doing so on the understanding that when next the bill is called up for the permanent flexitime extension, that it will come up in the regular course of events. It will be a calendared item and I and any other Senators who wish to do so will retain their full right to offer amendments.

At that time I will bring to the attention of the Senate, when time is not so critical, an amendment which I think is meritorious and which I think will then be adopted.

I thank the Senator for bringing this to our attention at this time.

Mr. LEAHY. Mr. President, still reserving the right to object, I will reserve it only to add my commendation and praise to the work of the senior Senator from Alaska in bringing this matter to the floor. I know he has spent an enormous amount of time in trying to work this out with the various parties.

I think the flexitime experiment is well worth continuing. I think it is an excellent idea. I will not object.

The PRESIDING OFFICER. Without objection, the bill will be considered to have been read the first time by title and the second time at length, and the Senate will proceed to its immediate consideration.

The Senate proceeded to consider the bill.

Mr. STEVENS. Mr. President, time is running out on this flexitime program. During the negotiations which attempted to get agreement on reauthorizing it, many agencies have changed their schedules already, starting today. This bill merely extends the authority for the current experiment until the beginning of the second pay period following July 4.

I want to state for the record why we picked that date.

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Many of us are involved in the considerations of the debt ceiling bill, the continuing resolution, the third budget resolution for 1982, the budget resolution for 1983, the supplementals that are coming before us, and the hearings in connection with the appropriations bills. I am involved in the Department of Defense hearings, a very exhausting series of hearings which have been scheduled.

This is the earliest time that I think we can get an open period to consider flexitime. That would be immediately after the July 4 recess. I have not cleared that date with the majority leader, but it is my hope that we will have the bill on the floor in that period immediately following the July 4 recess.

We will deal with the amendment mentioned by the Senator from Colorado and the amendment of the Senator from Massachusetts.

I am grateful for the Senator allowing me to handle it in this manner.

The PRESIDING OFFICER. The bill is open to amendment. If there be no amendment to be proposed, the question is on the engrossment and third reading of the bill.

The bill (S. 2254) was ordered to be engrossed for a third reading, read the third time, and passed, as follows:

S. 2254

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Federal Employees Flexible and Compressed Work Schedules Act of 1978 (5 U.S.C. 6101 et seq.) is amended—*

(1) by striking out "over a 3-year period" in the first sentence of section 2;

(2) by striking out "the end of the 3-year period which begins on the effective date of this title" in section 102(c) and inserting in lieu thereof "the first day of the second pay period beginning after July 4, 1982"; and

(3) by striking out "the end of the 3-year period which begins on the effective date of this title" in section 202(d) and inserting in lieu thereof "the first day of the second pay period beginning after July 4, 1982".

Mr. STEVENS. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. LEAHY. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. STEVENS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. STEVENS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

## NATIONAL ARCHITECTURE WEEK

Mr. HOLLINGS. Mr. President, last week I introduced Senate Joint Resolution 169, calling for the designation of the week of April 18, 1982, as "National Architecture Week."

This year marks the 125th anniversary of an organized architectural profession in the United States. Since 1857, when the American Institute of Architects was established in New York City, our country's architects have helped to give expression to our national goals.

Most recently, architects have led the Nation toward a renewed awareness of the limited resources of our planet. Today's architecture reflects a concern for growing needs and dwindling supplies of land, energy, and economic resources. At the same time, it affirms our Nation's belief in the heritage of our past, the promise of our future, and the basic integrity of our traditional values.

Mr. President, the American Institute of Architects has been honored by U.S. Presidents since its founding. In 1908, Theodore Roosevelt symbolically commended the White House itself into the AIA's hands for safekeeping. In 1923, President Warren G. Harding personally conferred the AIA's gold medal on Henry Bacon, designer of the Lincoln Memorial. And in 1957, President Dwight Eisenhower congratulated the institute on its centennial.

Believing that a nation's architecture provides vital clues to that nation's history, politics, aspirations, ethics, and priorities, I urge the speedy approval of Senate Joint Resolution 169 and the designation of the week of April 18, 1982, as "National Architecture Week" to note the AIA's 125 years of service to the Nation and its membership.

Mr. President, in May 1974 the AIA conferred upon me the title of honorary architect. Two other Members of the Senate, the senior Senator from Massachusetts (Mr. KENNEDY) and the senior Senator from Maryland (Mr. MATHIAS) have been similarly honored by the AIA and have asked to be cosponsors of Senate Joint Resolution 169.

Mr. President, I ask that the senior Senators from Massachusetts and Maryland, as well as the senior Senator from New York (Mr. MOYNIHAN) be added as cosponsors of Senate Joint Resolution 169.

The PRESIDING OFFICER. Without objection, it is so ordered.

## THE DEATH OF WALTER YONKER

Mr. GORTON. Mr. President, I wish to bring to the attention of the Senate the recent sudden passing of Walter (Walt) Yonker, executive vice president and staff head of the Pacific Seafood Processors Association, and ask that the Members of the Senate extend their sympathy to Walt's family and friends.

Walt Yonker was considered by all who knew him to be one of those rare individuals in the fisheries field who was respected and liked by all who knew him, even when they disagreed

with him on substantive issues. He was, for nearly two decades, not only executive vice president of the Pacific Seafood Processors Association but a cohesive force for the commercial fishing industry as a whole. Walt's contribution did not stop at his work in the processing field; he also served as an industry adviser on the U.S. delegation to the United Nations Law of the Sea Conference, for which he was honored by being named "Man of the Year" in 1974 by the National Fisheries Institute.

Mr. President, the Northwest fishing community has lost a tireless advocate and truly knowledgeable leader, and we have all lost an outstanding citizen. Walt will certainly be missed by the fishing industry and by all those who knew him.

## WALTER V. YONKER

Mr. MURKOWSKI. Mr. President, I should like to call to the attention of my Senate colleagues a tragedy that occurred on Sunday, March 14, 1982. On that day, the seafood processing industry suffered a great loss because Mr. Walter V. Yonker, the chairman of the Pacific Seafood Processors Association, passed away in Seattle, Wash., at the age of 65.

Although Walt resided in Washington State, he was a great friend to Alaska and his role in developing Alaska's seafood industry will not be forgotten. Walt's influence on Alaska came at the most crucial time as Alaska found itself rich in fishery resources, but without an infrastructure to develop them. Through diligence and hard work, Walt helped to create the necessary infrastructure to allow the Alaska seafood industry to progress from its embryonic stages.

Walt Yonker was born on October 5, 1917, in Williston, N. Dak., and was educated at the University of Washington, in Seattle. He received degrees in education and food technology. In 1947, he joined the National Cannery Association, which is currently entitled the National Food Processors Association. In 1952, he became the head of the inspection division of that association. From the years 1957 to 1981 he held the office of director and vice president of the National Cannery Association Northwest Research Laboratory. He became executive vice president of the Pacific Seafood Processors Association in 1967, where he served until his untimely death.

Mr. President, Walt Yonker's participation in advisory committees, both in and out of government, is quite impressive. The list is extensive and I will only touch on a few of his many accomplishments. Walt was an adviser to the U.S. delegation to the Law of the Sea Conference and an adviser to the U.S. Delegation for Codex Alimentarius in Bergen, Norway. He was a member of the U.S. State Department's Ocean Affairs Advisory Com-